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CONSTITUTIONAL LAW—CONSTRUCTION.—*STATE v. McCARTY*, 59 SOUTH., 543 (ALA.).—*Held*, that a constitution must be interpreted so as to carry out the great principles of the government, and not be given any technical construction which will defeat them.

The terms *construction* and *interpretation* are used interchangeably in the principal case. Interpretation differs from construction in this: that interpretation is used for the purpose of ascertaining the true sense of any form of words, while construction involves the drawing of conclusions regarding subjects that are not always included in the direct expression. *Bloomer v. Todd*, 3 Wash. T., 612. In practice both terms are frequently used synonymously. *Bouvier Law Dict.* The law as laid down in the principal case does not consider the fundamental rules which govern the construction of a constitution. The purpose, in construing a constitutional provision, is to ascertain and give effect to the intent of the people in adopting it. *Hills v. Chicago*, 60 Ill., 86; *Miller v. Dunn*, 72 Cal., 465; *Newall v. People*, 7 N. Y., 97. The extremes of both a liberal and a strict construction are to be avoided. *Steamboat Co. v. Livingston*, 3 Cow. (N. Y.), 713; *State v. Ashley*, 1 Ark., 513. The words used are presumed to have been used in their ordinary and natural meaning. *Gibbons v. Ogden*, 9 Wheat. (U. S.), 1; *Little v. Van Evrea*, 49 N. Y., 281. The real intention, when once accurately ascertained, will prevail over the literal sense of the terms employed in the instrument. *District Tp. v. Dubuque*, 7 Iowa, 262. Where both a technical and a popular construction are possible the latter prevails. *Weill v. Kenfield*, 54 Cal., 111; *People v. N. Y. Cent. R. R. Co.*, 24 N. Y., 488. But where the words are borrowed from the common law they retain their fixed technical meaning. *Carpenter v. State*, 4 How. (Miss.), 166; *McGuinness v. State*, 9 Humph. (Tenn.), 47.

CRIMINAL LAW—CONDUCT OF TRIAL—ABSENCE OF JUDGE.—*HUGHES v. STATE*, 149 S. W., 173 (TEX.).—*Held*, that the temporary absence of a judge from the court room during the trial is not ground for a reversal unless during his absence something occurs prejudicial to the accused. Davidson, P. J., *dissenting*.

The weight of American authority sustains the proposition that there can be no Court without a judge, and that it is his duty to be present during all stages of the trial; *People v. Blackburn*, 127 Cal., 248; *Turbesville v. State*, 56 Miss., 793; and that unless the parties consent to such act, absence will be ground for reversal. *Smith v. Sherwood*, 95 Wis., 558; *State v. Smith*, 49 Conn., 376. It has even been held that a judge must be visibly present at all times; *State v. Beuerman*, 59 Kan., 586; *People v. Tupper*, 122 Cal., 424; though there is some authority for the proposition that a judge may be out of sight but within hearing and so able to pass on any question that may arise. *Rowe v. People*, 26 Colo., 542; *State v. Porter*, 105 Iowa, 677. A judge, however, to avoid a reversal must always be present during the summing up of counsel. *Hayes v. State*, 58